

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): U.S.C.A. 15-1377

Caption [use short title]

Motion for: Enlargement of the Record and/or for
the Court to take Judicial Notice of DVD of
"Planet Fitness" Commercial.

YAA ASANTE-ADDAE
Plaintiff
VS

Set forth below precise, complete statement of relief sought:

Appellant requests this court to enlarge the record and
take judicial notice of the attached DVD of the
Planet Fitness commercial. Although "screen shots"
and a link to the commercial are in the record, the
actor's accent is a crucial element of her claims and
a DVD will provide better listening access to the Court.

SODEXO, INC.
Defendant.

MOVING PARTY: Yaa Asante☒ Plaintiff☐ Defendant☒ Appellant/Petitioner☐ Appellee/RespondentOPPOSING PARTY: Sodexo, Inc.MOVING ATTORNEY: Maria K. Tougas, Esquire

[name of attorney, with firm, address, phone number and e-mail]

Jacobs, Walker, Rice & Barry, LLC146 Main Street, P.O. Box 480, Manchester CT 06045860-646-0121; mtougas@jwrbb.comOPPOSING ATTORNEY: John Stretton, EsquireOgletree, Deakins, Nash, Smoak & Stewart, P.C.Two Stamford Plaza, 281 Tresser Blvd, Stamford, CT 06901877-227-3928; john.stretton@ogletreedeakins.comCourt-Judge/Agency appealed from: U.S. District Court- District of Connecticut- Judge Bryant

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes☐ No

(explain):

Opposing counsel's position on motion:

☐ Unopposed☒ Opposed☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes☐ No☒ Don't KnowFOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:

Has request for relief been made below?

☐ Yes☐ No

Has this relief been previously sought in this Court?

☐ Yes☐ No

Requested return date and explanation of emergency:

Is oral argument on motion requested?

☐ Yes☒ No

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☐ Yes☒ No

If yes, enter date:

Signature of Moving Attorney:

Maria K. TougasDate: June 2, 2015Service by: ☒ CM/ECF☐ Other

[Attach proof of service]

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

Yaa Asante-Addae
Plaintiff,

U.S.C.A. 15-1377

vs

Sodexo, Inc.
Defendant

AFFIDAVIT

MARIA K Tougas, having been duly sworn, does depose and state under oath as follows:

- 1. I am over the age of eighteen (18) years and understand and believe in the obligations of an oath.**
- 2. I am a partner at the law firm of Jacobs, Walker, Rice & Barry and am the primary attorney who is primarily responsible for the above-captioned case.**
- 3. The record contains only contains copies of screen shots of a Planet Fitness Commercial whose content is a critical aspect of the Appellant's argument in this Appeal.**
- 4. The argument has to do with the mocking of Appellant's accent by employees that she supervised, by imitating the accent of an actor in the commercial repeating the phrase "I lift things up and put them down" in the same accent that the appellant speaks in.**

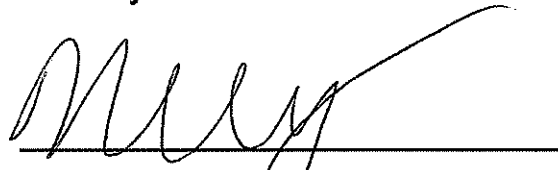
5. Although there is a link to a "youtube" version of the commercial referenced within documents already contained in the Record, it will not allow the Court immediate access to the commercial and Counsel has been advised that inserting internet links in documents submitted to the Court is not a recommended practice.

6. Counsel has a good faith belief that submitting the DVD will facilitate the Court's ability to access and listen to the commercial, in connection with the consideration of the Appellant's arguments in this appeal.

7. Counsel has a good faith belief that the Court may deem it necessary to review the DVD for purposes of hearing the accent in connection with the Appellant's arguments.

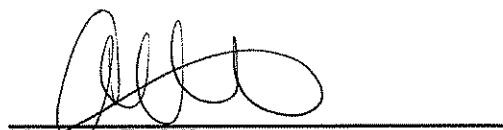
8. The foregoing is true and accurate to the best of my knowledge and belief.

Dated at Manchester, Connecticut this 4th day of June 2015



Maria K. Tougas, Esquire

Subscribed and Sworn to before me this 4th day of June, 2015.



Notary Public

My Commission Expires:
ALEXANDRA B. RICEVIENS
NOTARY PUBLIC
MY COMMISSION EXPIRES DEC. 31, 2016